

Article - Labor and Employment

[\[Previous\]](#)[\[Next\]](#)

§3–421.

(a) In this section, “nurse” means a licensed practical nurse or a registered nurse as defined in § 8-101 of the Health Occupations Article.

(b) Except as provided in subsections (c) and (d) of this section, an employer may not require a nurse to work more than the regularly scheduled hours according to the predetermined work schedule.

(c) A nurse may be required to work overtime if:

(1) the work is a consequence of an emergency situation which could not have been reasonably anticipated;

(2) the emergency situation is nonrecurring and is not caused by or aggravated by the employer’s inattention or lack of reasonable contingency planning;

(3) the employer has exhausted all good faith, reasonable attempts to obtain voluntary workers during the succeeding shifts;

(4) the nurse has critical skills and expertise that are required for the work;

(5) the standard of care for a patient assignment requires continuity of care through completion of a case, treatment, or procedure; and

(6) (i) the employer has informed the nurse of the basis for the employer’s direction; and

(ii) that basis satisfies the other requirements for mandatory overtime listed under this subsection.

(d) In addition to the provisions of subsection (c) of this section, a nurse may be required to work overtime if:

(1) a condition of employment includes on-call rotation; or

(2) the nurse works in community-based care.

(e) This section may not be construed to prohibit a nurse from voluntarily agreeing to work more than the number of scheduled hours provided in this section.

(f) (1) Except as provided in subsections (c) and (d) of this section, a nurse may not be considered responsible for the care of a patient beyond the nurse's predetermined work schedule if the nurse:

(i) has notified another appropriate nurse of the patient's status; and

(ii) has transferred responsibility for the patient's care to another appropriate nurse or properly designated individual.

(2) The employer shall exhaust all good faith, reasonable attempts to ensure that appropriate staff is available to accept responsibility for a patient's care beyond a nurse's predetermined work schedule.

[\[Previous\]](#)[\[Next\]](#)